

COMMITTEE ON EDUCATION AND WORKFORCE
DEVELOPMENT

BILL NO. 35-0393

Thirty-Fifth Legislature of the Virgin Islands

October 30, 2024

An Act repealing and reenacting with amendments title 27 Virgin Islands Code, chapter 20,
relating to the regulation of the profession of social work and social workers

PROPOSED BY: Senator Novelle E. Francis, Jr.

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 27 Virgin Islands Code, chapter 20 is repealed and reenacted with
amendments to read as follows:

§ 531. Declaration of Purpose.

Because the profession of social work profoundly affects the lives of the people of the
Virgin Islands, the purposes of the provisions of this chapter are to protect the public by
setting standards of qualification, education, training, and experience for those who seek to
engage in the practice of social work and to promote and maintain the high standards of
professional performance of those presently practicing as social workers and for those who
will be licensed to practice in the future.

§ 532. Definitions.

As used in this chapter:

(a) “Board” means the Virgin Islands Board of Social Work Licensure.

(b) “Practice of social work” means applying the formal knowledge base, theoretical concepts, specific functional skills, and essential social values that are used to effect change in human behavior, emotional responses, and social conditions, and it also entails helping individuals, couples, families, groups, and community organizations enhance or restore their capacities for personal and social functioning while preventing and controlling social problems. Social work practice is the professional application of social work values, principles, ethics, and techniques in the following areas:

(1) Information, resource identification, referral services, mediation services, advocacy services, and education of individuals, groups, couples, and families;

(2) Preparation and evaluation of assessments and development and implementation of social work service plans;

(3) Case management, coordination, casework intervention, and monitoring of social work service plans in the areas of personal, social, or economic resources, conditions, or problems;

(4) Administration and development of social service programs, policies, community organization, planning, implementation, and involvement in the evaluation of social systems and social policies;

(5) Social work consultation and resource development;

(6) Research through the formal design and methodology of data collection and the analysis and evaluation of data, social work programs, social systems, and social policies;

(7) Psychosocial assessment, diagnostic impressions, treatment of individuals, couples, families, and groups, prevention of psychosocial dysfunction, disability, or impairment, including emotional, mental, and behavioral disorders, and evaluation of practice effectiveness; and

(8) Clinical diagnosis or psychotherapy, or both, provided by a licensed clinical social worker.

§ 533. Practice of social work.

(a) Unless otherwise exempted, no person may engage in the practice of social work unless the person is licensed under this chapter as a social work associate, licensed social worker, licensed master's social worker, or licensed clinical social worker.

(b) The scope of the practice of social work is limited as follows:

(1) A "social work associate" or "SWA" may perform duties set forth in paragraphs (1) to (3) of section 532(b) as an employee of a governmental agency, a health facility, an institution, or another entity approved by the Board providing social services under the supervision of an individual who is licensed as a licensed master's social worker or licensed clinical social worker.

(2) A "licensed social worker" or "LSW" may perform duties set forth in paragraphs (1) to (4) of section 532(b) as an employee of a governmental agency, a health facility, an institution, or another entity approved by the Board providing

1 social services under the supervision of an individual who is licensed as a licensed
2 master's social worker or licensed clinical social worker or, as applicable, a person
3 who retains the license of certified independent social worker in accordance with §
4 536(b).

5 (3) A "licensed master's social worker" or "LMSW" may perform duties
6 set forth in paragraphs (1) to (7) of section 532(b). A licensed master's social worker
7 may not engage in clinical social work, except for the purpose of obtaining
8 experience required to be a licensed clinical social worker.

9 (4) A "licensed clinical social worker" or "LCSW" may perform duties set
10 forth in paragraphs (1) to (8) of section 532(b).

11 (c) No social work associate may practice except under the supervision of a licensed
12 master's social worker or licensed clinical social worker or, as applicable, a person who retains
13 the license of certified independent social worker in accordance with § 536(b).

14 (d) No person may engage in the independent practice of social work unless licensed
15 under this chapter as a licensed clinical social worker.

16 (e) The practice of social work without a license is a misdemeanor punishable by a fine
17 of not less than \$100 and not more than \$500.

18 **§ 534. License by examination.**

19 (a) Every applicant for a license as a social worker shall submit evidence satisfactory
20 to, and in such form prescribed by the Board that the applicant is of good moral character and
21 meets the education, experience and training requirements.

22 (b) In addition to the requirements in subsection (a), the Board shall issue a

license as a “licensed master’s social worker” to an applicant who:

(1) has a doctorate or master's degree in social work from a college or university approved by the Board; and

(2) has passed the examination designated by the Board.

(c) In addition to the requirements in subsection (a), the Board shall issue a license as a “social worker” to an applicant who:

(1) has a baccalaureate degree in social work from a college or university approved by the Board or has a baccalaureate degree in a non-social work field or discipline, and two years' post-baccalaureate degree experience in a social work capacity; and

(2) has passed the examination designated by the Board.

(d) In addition to the requirements in subsection (a), the Board shall issue a license as a “social work associate” to an applicant who:

(1) has a baccalaureate degree in a non-social work field from a college or university approved by the Board; and

(2) has passed the examination designated by the Board.

(e) In addition to the requirements in subsection (a), the Board shall issue a license as a “licensed clinical social worker” to an applicant who:

(1) has a doctorate or master's degree in social work from a college or university approved by the Board; and

(2) has had at least two years of post-doctorate or post-master's experience in the practice of social work under the direct clinical supervision of a licensed independent clinical social worker; and

(3) has passed the examination designated by the Board.

§ 534a. License by endorsement.

(a) The Board may issue a license without examination to an applicant who has satisfied the Board that the applicant has passed an examination and is or has been licensed or registered under the laws of another state, territory, or political subdivision of the United States, whose standards, in the opinion of the Board, are the substantially equivalent of the requirements of section 534, and whose license has not been suspended or revoked by the licensing jurisdiction.

(b) An applicant for licensure under this section is only eligible for licensure at the equivalent designation recognized in the jurisdiction in which the applicant for a license by endorsement is currently licensed.

§ 535. License requirement.

(a) Except as otherwise provided in this chapter, it is unlawful for any individual to engage, or otherwise attempt to engage, in the practice of social work unless licensed as a social work associate, licensed social worker, licensed master's social worker, or licensed clinical social worker under the applicable provisions of this chapter. No persons licensed under this chapter may engage in the practice of social work beyond the scope of their license.

(b) No person may purport to be a social worker or qualified to engage in the practice of social work, by using the titles "social worker", "social work associate", "licensed social

worker”, “licensed master’s social worker” or “licensed clinical social worker”, or use the letters “SW”, “SWA”, “BSW”, “LSW”, “MSW”, “LMSW”, or “LCSW” or use any or symbols indicating or tending to indicate that the person is a social worker, social work associate, licensed social worker, licensed master’s social worker, or licensed clinical social worker, or engage in the practice of social work as defined in this chapter without meeting the applicable requirements and holding a license as set forth in this chapter.

(c) The Board shall reissue the appropriate redesignated license to any person licensed prior to the passage of this chapter as a “social worker”, “certified social worker” or “certified independent social worker”. Notwithstanding the foregoing, any license issued to “social worker”, “certified social worker” or “certified independent social worker” continues to be valid for the duration of the license or until the Board issues an appropriate redesignated license. Any person licensed by the Board as a “social worker”, “certified social worker”, or “certified independent social worker” may continue to use the prior designated licensure titles for a period of two years or as otherwise provided by the Board. Except as specifically provided otherwise, licensure titles are , redesignated as follows:

- (1) a “social worker” is redesignated as a “licensed social worker”;
- (2) a “certified social worker” is redesignated as a “licensed master’s social worker”; and
- (3) a “certified independent social worker” is redesignated as a “certified clinical social worker”.

(d) Any person who, after a hearing, the Board finds to have unlawfully engaged, or attempted to engage, in the practice of social work, or any person who knowingly assisted a

person to unlawfully engage in the practice of social work, is subject to a fine of not less than \$100, but not more than \$1,000, for each offense. Violations of this section are also subject to the penalties outlined in § 533(e).

§ 536. Exemption from requirement.

(a) Licensure under this chapter is not required of:

(1) any person licensed in the Virgin Islands doing work within the scope of practice or duties of the person's profession and ethics of their respective professions that overlaps with the practice of social work; provided the person does not hold themselves out to the public by title or description of service as being engaged in the practice of social work;

(2) any student enrolled in an accredited educational institution in a recognized program of study leading toward attainment of a degree in social work; provided, that the student's activities and services are part of a prescribed course of study supervised by the educational institution and the student is identified by an appropriate title such as "social work student", "social work intern", or any other title which clearly indicates the student's training status; or

(3) any person who is a duly recognized member of the clergy; provided, that the person functions only within the person's capacities as a member of the clergy; and provided further that the person does not purport to be a social worker.

(b) Notwithstanding the provision of 535(c)(3), any person licensed under the laws of the Virgin Islands as a certified independent social worker who does not engage in clinical practice shall maintain the license designation of certified independent social worker.

(c) Any person exempted under this section is not engaged in the unlawful practice of social work.

§ 537. Bribery, fraud, misrepresentation and false statements.

The following are misdemeanors punishable by a fine of not less than \$500, but not more than \$1,000:

(1) obtaining or attempting to obtain a license, certificate, or renewal thereof by bribery or fraudulent representation;

(2) knowingly making a false statement in connection with or on an application; or

(3) knowingly making a false statement on any form or in relation to any regulation promulgated by the Board.

§ 538. Board of Social Work Licensure.

(a) There is established the Virgin Islands Board of Social Work Licensure within the Department of Licensing and Consumer Affairs. The Board consists of five members appointed by the Governor of the Virgin Islands with the advice and consent of the Legislature of the Virgin Islands. Not less than two members must be a licensed master's social worker or licensed clinical social worker, one member must be a licensed social worker, one member who may be a licensed social worker, a licensed master's social worker, or licensed clinical social worker and one member of the public who has never been licensed under this chapter. At all times, there must be not less than two members who are residents of the district of St. Croix, and not less than two members who are residents of the district of St. Thomas and St. John, one of whom must reside on St. John.

(b) The term of office of each member of the Board is three years; but of the members first appointed, two must be appointed for a term of two years, two must be appointed for a term of three years, and one must be appointed for a term of four years. Each member of the Board shall continue to serve until a successor is appointed by the Governor and confirmed by the Legislature. In the event that the Board lacks a quorum, which shall consist of no fewer than three members, the Commissioner shall temporarily assume the powers of the Board to act on its behalf. However, the Commissioner shall not have voting power or be considered an ex-officio member of the Board. Should the Board fall below the required quorum, the Commissioner's actions shall be limited to administrative functions until a quorum is restored. Practical measures must be taken to avoid an even-numbered Board and ensure effective decision-making.

(c) Members of the Board may be removed by the Governor for cause.

(d) The organization, meetings, and management of the Board must be established in regulations promulgated by the Board.

(e) The Board, its members, and its designated agents—including legal counsel, consultants, and employees authorized to act on behalf of the Board—are immune from personal liability for actions taken in good faith in the discharge of the Board's responsibilities. The Government of the Virgin Islands shall hold the Board, its members, and its designated agents harmless from all costs, damages, and attorneys' fees arising from claims and suits against them in the discharge of those responsibilities.

§ 539. Duties of the Board.

In addition to the duties set forth elsewhere in the chapter, the Board shall:

(1) annually publish a list of the names and addresses of all persons who are licensed under this chapter;

(2) promulgate regulations that set standards for professional practice, establish the procedure for the licensure, eligibility, continuing education, supervision and examination for social work associates, licensed social workers, licensed master's social workers, and licensed clinical social workers and that provides for administration of, and to carry out the purposes of this chapter;

(3) recommend to the Governor and the Legislature modifications and amendments to this chapter;

(4) recommend to the Virgin Islands Government, Division of Personnel, standards of professional practice for persons licensed under this chapter;

(5) recommend prosecutions for violations of this chapter to the Attorney General of the Virgin Islands;

(6) recommend to the Attorney General of the Virgin Islands the bringing of civil actions to seek injunctions and other relief against violations of this chapter; and

(7) take such actions as may be necessary to enforce the provisions of this chapter and to regulate the practice of social work.

§ 540. Grounds for disciplinary proceedings.

(a) The Board may deny an application or, after a hearing, refuse to renew, suspend, revoke, censure, reprimand, restrict, or limit any license issued on proof that the person has engaged in unprofessional conduct within the five years preceding the filing of the complaint or the initiation of disciplinary action, including:

1 (1) conviction of a felony;

2 (2) conviction of a misdemeanor under this chapter;

3 (3) conviction of fraud or deceit in connection with the practice of social work
4 as defined in this chapter or in establishing qualifications under this chapter;

5 (4) aiding or abetting a person not licensed under this chapter who is falsely
6 representing themselves as a social worker licensed under this chapter;

7 (5) failing to be relicensed and continuing to represent themselves as licensed
8 after the expiration of their license;

9 (6) committing an act of gross negligence or condoning the act by an employee
10 or supervisee in the practice of social work;

11 (7) addiction to habit-forming drugs, which impairs the ability to perform their
12 work; or

13 (8) has knowingly violated a regulations of the Board.

14 (b) In addition to disciplinary powers provided in subsection (a), the Board may, after
15 a hearing, levy and collect administrative fines for violations of the provisions of this chapter
16 or the regulations of the Board of not less than \$100 but not more than \$1,000 for each violation.
17 Each violation of this chapter or regulations of the Board pertaining to unlawfully engaging in
18 the practice of social work constitutes a misdemeanor punishable upon conviction by a fine of
19 not less than \$100, but not more than \$1,000.

20 **§ 541. Disciplinary proceedings.**

21 (a) The Board shall conduct all hearings, which must be recorded by stenograph.
22 Board decisions must be made by majority vote. The Board shall give not less than 20 days

1 advance notice of a hearing on charges, which notice must be served personally or by registered
2 mail.

3 (b) The respondent has the right to:

4 (1) representation, either by counselor otherwise;

5 (2) cross-examination of witnesses;

6 (3) to call witnesses on the respondent's behalf; and

7 (4) to subpoena witnesses and documents.

8 (c) Judicial review of the refusal to allow an examination, refusal to grant a license,
9 and review of disciplinary hearings must be in accordance with Virgin Islands statutes
10 regulating judicial review of administrative action.

11 **§ 542. Renewal of licenses.**

12 (a) All licenses are effective when issued by the Board.

13 (b) A license issued under this chapter is valid for two years from the date of issuance
14 and expires on the last day of the month of February.

15 (c) A license may be renewed by the payment of the renewal fee and by the completion
16 and submission—on a form provided by the Board—of a sworn statement by the applicant that
17 the license has been neither revoked nor is currently suspended.

18 (d) Failure of any licensee to renew the license biennially and before expiration as
19 established under subsection (b), deprives the licensee of the right to practice until
20 reinstatement of the license. The license may be reinstated at any time during the first 24
21 months immediately following the date the license expired by payment of any penalty or
22 reinstatement fees established by the Board, in addition to the established renewal fee. Failure

1 of a licensee to be reinstated during the first 24 months immediately following the date the
2 license expired requires the individual, prior to resuming practice in the Virgin Islands, to
3 submit an application on the prescribed form, and to meet all other requirements for licensure.
4 This subsection may not be construed to permit a person to engage in the practice of social
5 work in the Virgin Islands without a valid and active license.

6 (e) The Board shall adopt a program of continuing education to ensure that all licensees
7 remain informed of those professional subjects that the Board considers appropriate to the
8 practice of social work. The Board may by regulation describe the methods by which the
9 requirements of the program must be satisfied. The licensee failure to meet the requirements
10 of continuing education results in nonrenewal of a license.

11 (f) A person licensed under this chapter who is not engaged in the practice of social
12 work or who does not live in the Virgin Islands may request, in writing, that the Board place
13 that person's license in inactive status.

14 **§ 543. Fees.**

15 The Board shall establish and published fees. The Board shall file an annual report of its
16 activities with the Governor of the Virgin Islands and the report must include a statement of all
17 receipts and disbursements.

18 **§ 544. Confidentiality.**

19 (a) No social work associate, licensed social worker, licensed master's social worker,
20 or licensed clinical social worker shall disclose any information acquired from or provided by
21 a client or from persons consulting with the social worker in a professional capacity except:

1 (1) with the written consent of the person or persons or, in the case of death or
2 disability, with the consent of the person's personal representative, or another person
3 authorized to sue on his behalf;

4 (2) that a licensed social work associate, licensed social worker, licensed
5 master's social worker, or licensed clinical social worker is not required to treat as
6 confidential a communication that reveals the contemplation of a crime or of a harmful
7 act;

8 (3) when the person is a minor under the law of this the Virgin Islands and the
9 information acquired by licensed social work associate, licensed social worker, licensed
10 master's social worker, or licensed clinical social worker indicates that the minor was the
11 victim or subject of a crime, the certified social worker, the social worker, the certified
12 independent social worker, or the social work associate may be required to testify fully
13 in any examination, trial, or other proceeding in which the commission of a crime is the
14 subject of inquiry;

15 (4) when the person waives the right of confidentiality by bringing charges
16 against the licensed social work associate, licensed social worker, licensed master's social
17 worker, or licensed clinical social worker; or

18 (5) pursuant to the order of a court of competent jurisdiction.

19 (b) Any person having access to records or anyone who participates in providing social
20 work services, or who, in providing any human services, is supervised by a social worker, is
21 similarly bound to regard all information and communications as privileged in accordance with
22 this section.

(c) Violation of this section is a misdemeanor punishable by a fine of not less than \$100 nor more than \$500.

§ 545. Separability.

If any provision of this chapter is judged by a court of competent jurisdiction to be invalid, that judgment shall not affect, impair, or invalidate the remainder of any other provision or part of the chapter.

SECTION 2. The Governor of the Virgin Islands shall nominate members to the Board of Social Work Licensure not later than 60 days after the effective date of this chapter.

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